

BOARD MEETING MINUTES

DECEMBER 14 & 15, 2000 BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD OFFICE SACRAMENTO, CALIFORNIA

Thursday, December 14, 2000

BOARD MEMBERS PRESENT: Kathy Hoffman (President), Vince DiTomaso (Vice-President), David Chen, James Foley, Andrew Hopwood, Gregg Brandow, Marilyn Lyon, Myrna Powell, and Quang Vu.

BOARD MEMBERS ABSENT: Millicent Safran and Stephen Lazarian.

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Cindy Morris-Hoppe (Executive Analyst), Joanne Arnold (Enforcement/Legislation Program Manager), Howard Brunner (Staff Land Surveyor Consultant), and, Eileen Crawford (Licensing Program Manager)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President Hoffman at 2:30p.m. Roll call was taken and a quorum was established.

Mr. Vu arrived at 2:35 p.m.

President Hoffman stated that Board Agenda items would be taken out of order.

2. Public Comment

President Hoffman asked for public comment.

Mr. Greenlaw, SE, addressed the Board regarding the SE Examination Development Process and the Complainant Investigation Process.

5. a Approval of the Minutes of the October 20,2000 Board Meeting.

MOTION: Mr. Hopwood/Dr. Chen moved to approve the minutes of the October 20, 2000 Board Meeting as amended.

VOTE: 9-0, motion carried

6. Approval of Delinquent Reinstatements

MOTION: Mr. Hopwood/Dr. Chen moved to approve the Delinquent Reinstatements as follows:

Civil

1. Mark Stuart

Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.

2. Thomas Vandenberg

Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the NCEES Civil Engineering Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.

3. John Van Fleet

Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.

Electrical

1. Alfred P Degner

Reinstate applicant's electrical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

2. Michael K Kallivayalil

Reinstate applicant's electrical license once he takes and passes the Board's Laws and Rules Examination.

3. Peter W Stasey

Reinstate applicant's electrical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

Mechanical

1. Steven C Gonzales

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination.

2. R Alan Nickell

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

3. Michael S Sherber

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination.

VOTE: 9-0, motion carried

10. Technical Advisory Committee Reports

a. Land Surveying (no meeting)

No action taken by the Board.

b. Civil/Geotechnical Engineering (no meeting)

1. Reappointment of CE-TAC and GE-TAC Members

No action taken by the Board

2. Approval of CE 2000-2001 Workplan

No action taken by the Board

3. Approval of GE 2000-2001 Workplan

No action taken by the Board

c. Mechanical Engineering

1. Report on the November 3, 2000 TAC Meeting

Mr. Vu reported on the meeting.

Mr. Vu reported that 3 ME TAC Members will be leaving, Mr. Fitzpatrick, Mr. Witter, and Mr. Becker.

Mr. Vu announced the names of the 3 new ME TAC Members, Mr. Alereza, Mr. Silverman, and Mr. Strauss.

Mr. Vu announced the names of the new Chairman, Mr. Shah, and the new Vice-Chairman, Mr. Silverman for the ME TAC.

Mr. Vu reported the next ME TAC meeting is scheduled for January 18, 2001, in Sacramento.

d. Electrical Engineering

1. Report on the December 7, 2000 TAC Meeting

Mr. Di Tomaso reported on the meeting.

Mr. Di Tomaso stated they did not have a quorum.
Ask iggy for info on meeting

Mr. Di Tomaso reported the next EE TAC meeting will be held in February 2001, in Southern California.

e. Structural Engineering (no meeting)

Dr. Brandow reported the next SE TAC meeting is tentatively set for February 2001.

11. a ABET

1. Report on ABET Accreditation Visits

Dr. Chen reported on his visit to California State University at Fresno from October 22, 2000 to October 24, 2000.

Dr. Chen stated that he spent his time with Dr. Murphy, Director of Extended Campus Programs, and that he was very impressed with the program at CSU Fresno.

Dr. Chen distributed a written report regarding his visit.

Ms. Powell reported on her visit to University of California, Riverside on November 8, 2000.

Ms. Powell reported that this was her third visit to the University of California, Riverside and she was fascinated by their progress and future plans.

Ms. Powell also reported that every Monday the Chancellor stands out in the student area of the school and takes questions and criticisms from the students and that she was very impressed.

Mr. Brown reported on his visit to University of California at Los Angeles from October 15, 2000 to October 17, 2000.

Mr. Brown stated that the University of California, Los Angeles has a large enrollment of students in the Computer Science courses and because of this, students are unable to get the courses requested. So instead, the students are enrolling in Chemical, Mechanical, and Electrical Engineering courses to serve as a substitute so they can get into the Computer Engineering Program and the University is concerned about the change in enrollment.

Mr. Brown reported that there was a lot of discussion and concern in regards to the interpretation of the new criteria for ABET.

Mr. Hopwood reported on his visit to University of California, Davis.

Mr. Hopwood stated that the University of California, Davis is the third largest UC School.

Mr. Hopwood also stated that 15% of the students are in the Engineering field, about 3,500 students.

Mr. Hopwood reported that Board Members and Board Staff have been invited to "Career Day" at Davis, which is to be held sometime in late January 2001.

Mr. Hopwood also stated that the Board is invited to the University for a visit.

Dr. Brandow reported on his visit to California State University, Los Angeles.

Dr. Brandow stated that even though CSULA does not have a large engineering program, it is very well organized. Most of the faculty is licensed which is unusual.

Dr. Brandow reported that the facilities are immaculate. They are very proud of their solar car, "Solar Eagle," which they race every couple of years. They have beat out all the other Universities in the country with their car.

Ms. Christenson stated that all visits have been completed for this year.

3. Closed Session

The Board went into closed session at 3:15 p.m.

The Board recessed at 3:45 p.m.

Friday, December 15, 2000

BOARD MEMBERS PRESENT: Kathy Hoffman (President), Vince DiTomaso (Vice-President), Gregg Brandow, David Chen, James Foley, Andrew Hopwood, Stephen Lazarian, Myrna Powell, Marilyn Lyon, and Quang Vu.

BOARD MEMBERS ABSENT: Millicent Safran

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Janeece Sargis (Examination Analyst), Cindy Morris-Hoppe (Executive Analyst), Debbie Thompson (Budget Analyst)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President Hoffman at 9:05 a.m. Roll call was taken and a quorum was established.

President Hoffman stated Board Agenda items will be taken out of order.

2. Public Comment

President Hoffman asked for public comment.

Mr. Greenlaw, SE, addressed the Board regarding the Complaint Investigation Process.

3. Closed Session

Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board approved the April 2000 appeals and approved for licensure individuals who have now passed the examination.

Ms. Christenson also reported that the Board adopted the stipulations regarding Mr. Shelton and Mr. Mc Corkle.

Ms. Christenson reported that the Board adopted the proposed decision regarding Mr. Shen.

Ms. Christenson reported that the Board discussed pending litigation.

5. b Approval of Consent Items

MOTION: Mr. Hopwood/Mr. Vu moved to approve the candidates for licensure based on examination results approved in closed session.

VOTE: 10-0, motion carried.

7. Comity and Temporary Authorization Applications

MOTION: Mr. Hopwood/Dr. Chen moved to approve the comity applicants shown on pages 35 & 36 of the agenda.

VOTE: 10-0, motion carried

MOTION: Mr. Hopwood/Dr. Chen moved to approve the following electrical applicant for licensure by waiving the second division examination (NCEES Electrical Engineering examination) because applicant has the appropriate experience, has taken and passed an 8-hour NCEES EIT examination, has taken and passed an 8-hour Professional Engineering examination, the take-home examination, and is licensed in two other states.

1. Panagiotis D. Fefes

VOTE: 10-0, motion carried

MOTION: Mr. Hopwood/Dr. Chen moved to approve the following chemical applicant for licensure by waiving the second division examination (NCEES Chemical Engineering examination) because the applicant has the appropriate experience, has taken and passed an 8-hour NCEES EIT examination, an 8-hour NCEES PE examination, the take-home examination, and is licensed in another state.

1. Badaoui Mouderrres

VOTE: 10-0, motion carried

MOTION: Mr. Hopwood/Dr. Chen moved to approve the following mechanical applicants for licensure by waiving the second division examination (NCEES Mechanical Engineering examination) because the applicants have the appropriate experience, have taken and passed a 8-hour NCEES EIT examination, an 8-hour NCEES PE examination, the take-home examination, and are licensed in other states.

1. Thomas L Pederson
2. Mark P Shambaugh

VOTE: 10-0, motion carried

MOTION: Mr. Hopwood/Dr. Chen moved to approve the temporary licensure of Mr. Nicola Ruccia, for 120 days, from January 1, 2001 to April 30, 2001.

VOTE: 10-0, motion carried

President Hoffman stated that since Mr. Samuel Love has to appear before the Board before Temporary Authorization can be granted, that when Mr. Love arrives, he can be taken out of order and appear before the Board.

8. Presentation regarding Title Act Study by Institute for Social Research

Ms. Carole Barnes, Ph.D., Director, and Ms. Nancy Bolton, Ph.D., Research Associate, gave a presentation to the Board on the proposal for the Title Act Study.

Ms. Barnes distributed an analysis outlining their goals for the Title Act Study. (See attached item A)

President Hoffman stated she wanted to make sure that there is a clear understanding of what is needed as far as the study goes.

Ms. Barnes stated that the study would focus on the Title Acts. She also stated that they are in possession of several boxes of information regarding the Board that covers the last 5-6 years, which staff has provided to them.

President Hoffman asked what the time frame is and if the Board can have periodic checks to make sure the project stays on track.

Ms. Barnes stated, that as soon as they have a signed contract, they can get started. She is hoping they can get started in early January 2001 and have it completed by July 2001 and that a timeline can be given to the Board if needed.

Mr. Foley asked if Task 3 should include contractors.

There was lengthy discussion and concern on whether this study was too large and if it would ever get done.

Ms. Barnes stated that they will condition the study to the time allowed.

Ms. Powell reported that the Board was asked, "Why do we have so many Title Acts and how do they affect the public?" She stated that the public should probably be included in this study.

Ms. Barnes asked the Board if they had any recommendations on how to sample the consumer.

President Hoffman asked what staff's role is in this study.

Ms. Christenson stated that DCA will oversee the Title Act Study.

Ms. Rivette of DCA, reported that DCA will take responsibility for management of the study.

Mr. Vu expressed concern over nothing relating to enforcement being on the outline.

Ms. Barnes stated she is not sure where enforcement would fit in, or if there is even time to include enforcement.

Ms. Powell asked Ms. Barnes if after talking to the Board, did she see a narrowing of the project.

Ms. Barnes stated that it is not as broad as it appears on paper.

Ms. Powell expressed concern that it is becoming larger than Legislature is requesting.

President Hoffman appointed Mr. Foley and Mr. Di Tomaso as the Boards representatives in regards to this study.

Mr. Foley stated that he feels the Board needs to be careful with their involvement in this project.

Mr. Lazarian stated that he feels the Boards needs to be involved, but needs to be objective.

Ms. Lyon agreed with Mr. Lazarian.

Ms. Christenson stated she feels the Board needs to be involved as a resource and that DCA should be a neutral party.

President Hoffman stated that the agreed price is not to exceed \$300,000.

Ms. Rivette stated that the price has been agreed on, and the terms of payment are being worked out now.

President Hoffman stated that at every Board Meeting the Board would have a written report from DCA and that she would like a representative from DCA to attend to answer any questions. Ms. Rivette agreed to attend each meeting and to provide an update.

11. Liaison Reports

b. NCEES

2. Presentation by President Elect of NCEES, Ted Fairfield.

Mr. Fairfield thanked Board and Staff for helping him to be elected President of NCEES.

Mr. Fairfield stated that NCEES is a non-profit corporation that has no authority over the 77 Boards in the states and territories that it coordinates.

Mr. Fairfield also stated that he feels NCEES' role needs to change. If NCEES is going to be there, they need to have authority to do things.

Mr. Fairfield gave a report on his involvement/duties with NCEES and how it has changed his life.

Mr. Fairfield reported that the concept of licensing in his view is more important than it ever has been because the potential risk, harm, damage, and economic loss. The concept of licensing engineering is becoming less and less commonly understood and has less support.

Mr. Fairfield stated he feels the NCEES has a duty to promote the concept of licensing and that an Engineering Licensing Qualification Task Force will be started.

Mr. Fairfield reported that February 1, 2, and 3, 2001, in Phoenix, AZ, there will be a Board President/Member Board Administrator Conference.

Mr. Fairfield reported that he will be responsible for making committee appointments when he becomes President and he strongly encourages any Board member interested in being on a committee to submit an application.

President Hoffman directed Ms. Christenson to make sure any interested Board Member gets an application.

7. Comity and Temporary Authorization Applications

MOTION: Dr. Brandow/Mr. Foley moved to approve temporary civil licensure to Mr. Love for the remainder of the year 2000 and to consider granting an extension of 180 days at the January 5, 2001, Board Meeting.

VOTE: 10-0, motion carried.

President Hoffman stated that Mr. Love does not need to appear in person at the next Board Meeting.

9. Committee Reports

a. Examinations/Qualifications

1. Possible Amendments to Board Rule 438 (a) & (b) regarding Engineer-in-Training Examination Waiver

MOTION: Mr. Foley/Mr. Hopwood moved to approve new language be adopted as changes to Board Rule 438 (a) & (b).

VOTE: 10-0, motion carried.

2. Accreditation Board for Engineering and Technology (ABET) Approval of Foreign Curriculums.

MOTION: Mr. Foley/Mr. Hopwood moved to approve amending the regulations to allow the Board to accept ABET approval of foreign degrees when those degrees are reviewed by ABET and receive a “Substantial Equivalent” certification.

VOTE: 10-0, motion carried

3. Granting of Five-Year Credit for Applicants who possess Mater’s Degree from ABET Accredited Programs.

Mr. Duke will review this concept and provide proposed board rule amendments at the January 25, 2001 Examination/Qualifications Committee Meeting.

4. Implementation of SB 2030 Regarding the Transition to National PLS and SE Examinations Along with State Specific Examination.

MOTION: Dr. Brandow/ Mr. Hopwood moved to include a state specific land surveying occupational analysis in the RFP that is currently being written for assistance with exam development.

Research what other states are doing in regards to allow pass-in-parts of their exams, specifically if they have a time limit for allowing passage of the national exam.

Convert the current 16-hour examination format which tests four areas of structural engineering to a 16-hour examination separated into two 8-hour exams: the first exam testing the breadth of structural engineering and the second exam testing seismicity and structural engineering specific to California.

Review and determine which regulatory and legislative changes would need to be made to ensure these changes are made appropriately.

VOTE: 10-0, motion carried

5. Revised Structural Engineering Examination Test Plan.

MOTION: Mr. Foley/Ms. Powell moved to accept the revised Structural Engineering Examination Test Plan.

VOTE: 10-0, motion carried

6. Revised Special Civil Engineering Examination Test Plan.

MOTION: Mr. Foley/Dr. Brandow moved to accept the revised Special Civil Engineering Examination Test Plan.

VOTE: 10-0, motion carried

7. Consideration of Oregon Board Utilizing the Geotechnical Examination.

MOTION: Dr. Chen/Dr. Brandow moved to approve selling our Geotechnical Examination to Oregon if an agreed to price can be reached.

VOTE: 10-0, motion carried

b. Administrative

1. Report on the December 14, 2000 Committee Meeting.

Mr. DiTomaso reported on the meeting.

2. Administrative Update

a. Fund Condition

No action taken by the Board.

b. FY 2000/01 Budget

No action taken by the Board.

c. Fee Restructure

Mr. DiTomaso reported that Ms. Christenson presented the Fee Restructure Proposal to the Joint Legislative Sunset Hearing Committee on December 6, 2000.

No action taken by the Board.

d. Outreach Efforts

No action taken by the Board.

e. Data Management Systems

Mr. DiTomaso reported that the management team is in the process of scheduling another meeting.

No action taken by the Board.

f. Professional Land Surveyor Consultant Contract

Mr. DiTomaso reported that DCA is in the process of completing the contract.

No action taken by the Board.

g. Strategic Plan

Mr. DiTomaso reported that the Strategic Planning meeting is scheduled for January 5, 2001 in Los Angeles.

No action taken by the Board.

c. Enforcement

1. Report on the December 14, 2000, Committee Meeting

Dr. Brandow reported on the meeting.

2. Fingerprint/Criminal Records Check Program

MOTION: Dr. Brandow/Dr. Chen moved to direct Staff to move forward with legislation to accomplish the task of amending and/or adding statutes that would enable the Board to obtain criminal history record information.

VOTE: 10-0, motion carried.

3. Effect of Out-of-State Disciplinary Action on California Licensees.

Staff explained the procedures and considerations when pursuing disciplinary action against a California licensee who has been disciplined by another state.

No action taken by the Board.

4. Possible Legislation to Extend the Waiting Period to Petition for Reinstatement of Revoked Licenses or for Reduction or Modification of Penalty.

MOTION: Dr. Brandow/Dr. Chen moved that the Board accepts the offer from the Board of Vocational Nurses and Psychiatric Technicians to join its legislative proposal to add sections to the licensing laws which will address petitioning for reinstatement of revoked license and for reduction or modification of penalty.

VOTE: 7-3, motion carried. President Hoffman, Ms. Lyon, and Ms. Powell voted nay.

Dr. Brandow reported that for all legislative proposals (fingerprint/criminal records and extending the reinstatement period): Assuming legislation is introduced, these items will be transferred from the Enforcement Committee to the Legislative Committee as pending legislation. The status of the proposals will be provided at the Legislative Committee meetings. The Board can always choose to withdraw, at a later date, from legislative proposals that it initiates.

11. Liaison Reports

b. NCEES

1. Model Law Engineer and Council Record-Two Keys to Mobility and Survey.

Ms. Christenson explained the Model Law Engineer and a Council Record.

Ms. Christenson gave the Board recommendations on how to fill out the survey.

President Hoffman requested that a sub-committee be appointed to work with Ms. Christenson on completing this survey by January 5, 2001.

MOTION: Mr. Hopwood/Dr. Chen moved to appoint Mr. Foley and Ms. Lyon as the sub-committee to help complete the survey.

VOTE: 10-0, motion carried.

12. President's Report

President Hoffman reported that the Strategic Planning Meeting is scheduled for January 5, 2001, in Los Angeles.

President Hoffman reported that the Fall Bulletin is being worked on and should be out in about three weeks.

President Hoffman wished everyone a Happy Holiday.

13. Executive Officer's Report

1. Administration Report

a. Executive Summary Report

Ms. Christenson reported on the Executive Summary Report.

b. Regulation Status Update

Ms. Christenson reported on the Regulation Status Update.

2. Personnel

a. New Hires & Vacancies

Ms. Christenson stated that there is a vacancy in cashiering.

3. Enforcement/Examinations/Licensing

a. Enforcement

No Report Given

b. Examinations

No Report Given

4. Publications/Website

a. Website activity

No Report Given

5. Other

a. DCA Update

No Report Given

b. Bureau of State Audit Report

Ms. Christenson reported that the Audit went very well.

c. Professional License and Enforcement Management System (PLEMS)

No Report Given

14. Approval of Board Travel

No action taken by the Board.

15. Other Items Not Requiring Board Action

a. Next Board Meeting: January 25 & 26, 2001, Embassy Suites, Oxnard.

The Board requested that Ms. Morris-Hoppe provide them with a Master Calendar of future Board Meetings with the dates of future NCEES and Western Zone Meetings included.

16. Adjourn

The Board adjourned at 12:30 p.m.

PUBLIC PRESENT

Cody Tubbs, CELSOC
Tom Stout
Tom Crawford, ME TAC
Jonathan Buttle, DCA Budget Office
Charles Greenlaw, SE
Michael Whiteside, PECG
Tony Spillane, CLSA
Nancy Bolton, CSUS
Pam Rivette, DCA
Richard Markuson, CELSOC
Art Sutton, IEEE
R.H. Hamstra
Sam Love, Love Engineering